TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD
LSA Document #06-604

DEVELOPMENT OF NEW RULES CONCERNING VOLATILE ORGANIC COMPOUNDS FOR ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for new rules at 326 IAC 8-14 concerning architectural and industrial maintenance (AIM) coatings. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: January 10, 2007, Indiana Register (DIN: 20070110-IR-326060604FNA).

CITATIONS AFFECTED: 326 IAC 8-14.

AUTHORITY: IC 13-14-8; IC 13-17-3-11; IC 13-17-3-12.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

In the April 30, 2004, Federal Register (69 FR 23858), the U.S. EPA designated 23 counties as nonattainment for the 8-hour ozone standard. Only one monitoring location in Indiana does not currently meet the 8-hour ozone standard of 0.085 parts per million (ppm), and 21 of the 23 counties have been redesignated to attainment. While Lake and Porter counties measured air quality that met the 8-hour ozone standard from 2004 through 2006, a single monitoring location in Lake County measured air quality just above the standard in 2007. IDEM expects this site to reattain in 2008, and the department continues to work with the U.S. EPA to have Lake County and Porter County redesignated to attainment. Additionally, since the Cincinnati, Ohio, metropolitan area has not yet attained the 8-hour standard, IDEM has prepared a state implementation plan (SIP) revision for Lawrenceburg Township in Dearborn County that addresses its contribution to Cincinnati's ozone nonattainment.

It is prudent for Indiana to consider implementing additional cost-effective measures to reduce emissions that contribute to the formation of ozone. The reasons for considering additional reductions include: the narrow margin between Indiana's current air quality and the existing 8-hour ozone standard as well as the challenges Indiana faces in improving air quality to meet the new 8-hour ozone standard of 0.075 ppm that the U.S. EPA lowered on March 12, 2008, and the concerns expressed by other states that emissions from Indiana are contributing to their inability to attain the standard (the Clean Air Act provides a legal mechanism for those states to require Indiana to reduce Indiana's potential contribution to nonattainment in other states).

In an effort to assist neighboring states in the development of SIPs to comply with the federal requirements, the Lake Michigan Air Directors Consortium (LADCO) has been working with its member states to identify and recommend regional controls that would help states bring areas back into attainment for the 8-hour ozone standard. The LADCO states include Illinois, Indiana, Michigan, Ohio, and Wisconsin. The LADCO states have discussed applying certain VOC control measures to all counties in the region in order to provide a general benefit to all ozone and fine particle nonattainment areas. LADCO has evaluated potential reductions from various regulatory options that could be adopted on a multistate basis in the region. Based on discussions with other LADCO states and information provided by LADCO, IDEM proposes to develop an AIM coatings rule for Indiana as part of a regional effort to control ozone. This rule is part of a larger group of VOC control rules that have been agreed to by the LADCO states to address regional ozone and fine particle nonattainment. Other VOC control rules include automobile refinishing, consumer products, organic solvent degreasing, and stage I vapor recovery.

AIM coatings are applied to a variety of surfaces and may be applied by brush, roller, or spray gun and by consumers, painting contractors, or maintenance personnel. VOC emissions result from the evaporation of solvents in the coatings during application and drying. The U.S. EPA published the federal AIM coatings rule on September 11, 1998 (63 FR 48848) (40 CFR Part 59 Subpart D) under the authority of Section 183(e) of the Clean Air Act. This rule limits the amount of VOC that manufacturers and importers of AIM coatings can put into their products. The rule also has container labeling requirements for AIM coatings. There are different options for complying with the VOC limits, including exemptions for products that may be difficult to reformulate. VOC content limits in the national rule took effect on September 11, 1999. The federal AIM rule is estimated to yield VOC reductions of 20 percent from uncontrolled levels.

The U.S. EPA defines an architectural coating as "a coating recommended for field application to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs. This definition excludes

adhesives and coatings recommended by the manufacturer or importer solely for shop applications or solely for application to non-stationary structures, such as airplanes, ships, boats, and railcars.".

The U.S. EPA defines an industrial maintenance coating as "a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats formulated and recommended for application to substrates exposed to one or more of the following extreme environmental conditions in an industrial, commercial, or institutional setting:

(1) immersion in water, wastewater, or chemical solutions (aqueous and nonaqueous solutions), or chronic exposure of interior surfaces to moisture condensation;

(2) acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions;

(3) repeated exposure to temperatures above 120^{o}C (250^{o}F);

(4) repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents; or

(5) exterior exposure of metal structures and structural components.".

On August 31, 2005, the U.S. EPA published an Advance Notice of Proposed Rulemaking on AIM Coatings for determining how to calculate VOC reductions from AIM coatings in nonattainment and maintenance areas. The comment period was extended on October 13, 2005, and December 20, 2005, to request comments, data, and information. At this time, the U.S. EPA has not published an updated AIM rule.

In an effort to assist northeastern states to meet and maintain the ozone National Ambient Air Quality Standards (NAAQS), the Ozone Transport Commission (OTC) formed a workgroup to consider a model rule to reduce VOC emissions in AIM coatings. The workgroup formed for this purpose conducted meetings and received comments from interested parties that resulted in a recommendation that the OTC AIM Coatings model rule be the same as the National Association of Clean Air Agencies, formerly known ast the State and Territorial Air Pollution Program Administrators and Association of Local Air Pollution Control Officials model rule. The OTC identified several implementation options applicable to states in the northeast. The model rule emission limits were established at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. In conjunction with the OTC model rule, LADCO considered implementation of a Wisconsin rule limiting the VOC content of traffic markings in the MRPO states. For certain categories of coatings, LADCO estimates that implementation of the OTC model rule and the Wisconsin traffic marking rule will reduce VOC emissions by about 20% beyond the current federal AIM rule, or 2,986 tons VOC per year in Indiana.

In this rulemaking, Indiana is proposing to add an AIM coatings rule to the Article 8 VOC rules. The proposed rule is primarily based on the OTC model rule and contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (April 1 through October 31). This rulemaking will contribute to the MRPO states' regional control efforts for VOC and will assist counties in reaching attainment or maintaining compliance for the newly revised 8-hour ozone standard. Upon completion, this rule will be submitted to the U.S. EPA for approval into the SIP and, along with other regional and state measures, will guide air pollution control efforts in Indiana.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed under Federal Law

The following elements of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is "not imposed under federal law" (NIFL element or elements).

The following information is provided with each NIFL element:

(1) The environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and examples in which federal law is inadequate to provide this protection for Indiana.

(2) The estimated fiscal impact and expected benefits of the NIFL element, based on the extent to which the NIFL element exceeds the requirements of federal law.

(3) The availability for public inspection of all materials relied on by IDEM in the development of the NIFL element including, if applicable: health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data.

NIFL Element A: Adopting the OTC model rule for AIM coatings that requires manufacturers of coatings to comply with VOC content limits that are more stringent than the federal AIM rule (40 CFR 59, Subpart D).

(1) The application of VOC control measures to AIM coatings in Indiana will provide a general benefit to nonattainment areas. This rule is part of a larger group of VOC control rules that have been agreed to by the LADCO states to address regional ozone nonattainment.

(2) The analyses for the OTC model rule estimates a cost of $6,400 per ton of VOC reduced. The model rule estimates a reduction of 2,986 tons of VOC emissions per year beyond the current federal rule for a total estimated cost of approximately $19 million per year. However, since many of the large AIM coatings manufacturers already have experience reformulating to the OTC VOC limits, the cost of compliance in Indiana will likely be less than originally estimated.

(3) LADCO evaluated potential reductions from various regulatory options that could be adopted on a multistate basis in the region. The information used for the evaluation is presented in a white paper on Architectural and Industrial Maintenance Coatings at:

http://www.ladco.org/Regional_Air_Quality.html

NIFL Element B: Adopting standards for traffic markings coatings that are applied during the ozone season that are more stringent than the federal rule (40 CFR 59, Subpart D).

(1) The use of more stringent VOC content limits and application standards for traffic markings in Indiana will provide a general benefit to nonattainment areas. The VOC content limit for traffic markings is about 39 percent lower than the limit imposed by the federal rule. This rulemaking is part of a larger group of VOC control rules that address regional ozone nonattainment.

(2) The Indiana Department of Transportation (INDOT) estimates that approximately 280,000 gallons of white paint and 200,000 gallons of yellow paint are used annually. The white paint currently meets the proposed VOC content limit. However, the yellow paint would need to be reformulated to meet the standard at an approximate additional cost of 10 cents per gallon. Approximately 80% of the total volume of paint is used during the months of May, June, July, and August. IDEM estimates a cost of $408 per ton of VOC reduced.

(3) LADCO evaluated potential reductions from various regulatory options that could be adopted on a multistate basis in the region. The information used for the evaluation is presented in a white paper on Architectural and Industrial Maintenance Coatings at:

http://www.ladco.org/Regional_Air_Quality.html

Potential Fiscal Impact

The OTC model rule estimates a 31% reduction in VOC emissions beyond the federal AIM rule. The analyses for the OTC model rule estimated a cost of $6,400 per ton of VOC reduced. This estimate included costs for more stringent VOC content limits on traffic marking coatings that will be used during the ozone season. However, costs are not expected to be this high since many of the large AIM coatings producers already have experience with reformulating to the OTC limits and compliant formulations are currently available for all coating categories. Additionally, multiple states have now adopted the OTC model rule and therefore compliance costs are spread over a larger portion of sales.

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at:

www.in.gov/idem/compliance/ctap/index.html

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Alison Surface
IDEM Compliance and Technical Assistance Program
OPPTA - MC60-04
100 North Senate Avenue
W041
Indianapolis, IN 46204-2251
(317) 232-8172
ctap@idem.in.gov

The Small Business Assistance Program Ombudsman is:

Megan Tretter
IDEM Small Business Assistance Program Ombudsman
MC 50-01 - IGCN 1307
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 234-3386
mtretter@idem.in.gov

Public Participation and Workgroup Information

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Amy Smith, Rules Development Section, Office of Air Quality at (317) 233-8628 or (800) 451-6021 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from January 10, 2007, through February 9, 2007, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadline:

Improving Kids' Environment (IKE)

National Paint & Coatings Association (NPCA)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: IKE supports the agency moving forward with this rulemaking. Although ozone levels have been improving in Indiana, high ozone levels still present a public health threat to our citizens throughout the state. Ozone pollution is regional in nature and concentrating control programs in the urban areas is no longer sufficient to address unhealthy ozone levels. Implementing cleaner AIM coatings across a broad geographic region will be most effective in improving air quality. The market for AIM coatings is regional and national. Having different requirements in different states or different regions within states is disruptive, confusing and does not lead to the most economically efficient result. (IKE)

Response: This rulemaking, in conjunction with the rulemakings conducted by other LADCO states, will assist in controlling VOCs in order to ensure compliance with U.S. EPA's newly issued 8-hour ozone standard. IDEM is cognizant of the importance in addressing this issue from a regional perspective. IDEM's proposed draft rule language is consistent with other LADCO states' requirements and will ease the compliance burden for AIM coatings manufacturers by ensuring consistency with other states in the region.

Comment: NPCA strongly suggests that Indiana wait for EPA to revise the National AIM Rule later this year. The greatest problem with Indiana independently revising its AIM rule is that it may be different than other state AIM rules. Even when the OTC states revised their AIM rules via the OTC "Model Rule" different rules resulted. These differences–some major and some seemingly minor–can make compliance very difficult for the paint and coatings industry. The greatest benefit of Indiana waiting for the EPA is that hopefully the state AIM rules will be as consistent as possible. (NPCA)

Response: IDEM understands the importance of consistency for a rulemaking which affects AIM coatings producers nation-wide. However, the U.S. EPA has not yet published the proposed amendments to the national AIM coatings rule. The May 30, 2007 memorandum issued by Mr. Stephen Page, director of the U.S. EPA's Office of Air Quality Planning and Standards, to U.S. EPA Regional Offices and all states preparing ozone State Implementation Plans stated that the U.S. EPA was planning to propose the revised AIM coatings regulations in either August or September of 2007 followed by promulgation as a final rule in December 2007, with new limits to take effect on January 1, 2009. However, to date, the U.S. EPA has not published their proposed revisions. Therefore, IDEM is moving forward with this rulemaking. When the U.S. EPA amends the federal rule then IDEM will update its state rule.

Comment: If IDEM does not wait for EPA to revise the National AIM Rule, NPCA suggests that Indiana propose an AIM rulemaking similar to the recent proposed Ohio AIM rulemaking. For consistency purposes NPCA does not support Indiana's adoption of the Wisconsin traffic marking rule.

NPCA makes the following recommendations:

1. Definition of VOC–NPCA supports the current Indiana definition of VOC, but suggests that Indiana drop any references to amendment dates in the language.
2. Applicability Date-Coatings manufacturers need at least 9-12 months advance notice before the effective of the rule limits and other requirements. The industry is based on mass production and distribution of thousands of products, each which requires separate labeling instructions. Additionally, production operations must be altered and coordinated in light of the new requirements. All of this assumes that reformulation and testing of the new products mandated by the OTC Model rule will already have been accomplished. This may not be the case for regional or local companies that do not sell into OTC states. NPCA request that Indiana extend the implementation date out at least 9-12 months past any rule adoption/finalization date.
3. Implementation Date–NPCA strongly suggests an implementation date of January 1, 2009.
4. Sell Through Provision-NPCA supports the Ohio proposal to allow a three-year sell through date.
5. Reporting–It appears that Ohio has included an overly burdensome and unnecessary reporting requirements. The proposed regulation should be revised to make the reporting requirements consistent with six of the existing ten OTC state AIM rules by amending the reporting requirements section to eliminate the annual reports mandated for certain coatings. If Indiana still wishes to have this information available, we recommend that it replace this requirement with one that only requires the manufacturers to maintain records of the sales of these AIM products and report these sales only when requested by Indiana.
6. Conversion Varnish–For consistency with both the National AIM Rule and the OTC rules, NPCA suggests that Indiana include a definition and VOC limit (725g/l) for Conversion Varnishes.
7. Varnish Definition–NPCA suggests that the definition of varnish should be amended to delete the phrase "on exposure to air" and to change the typo "fetal" to "final".
8. Specialty Primer–For consistency with other rules, NPCA suggests that the definition of Specialty Primer be amended to include the phrase "to seal in efflorescence". Additionally, the NPCA suggests that Indiana add the language "to seal in efflorescence" to the container labeling requirements for Specialty primer, sealer, and undercoater.
9. Definitions Comments–NPCA suggests inserting the following definitions that correspond to categories that are identified in the VOC limit table but do not currently have definitions. Please note that the definitions came directly from the New York and Pennsylvania OTC rules: a) Calcimine recoaters; b) Concrete surface

retarder; c) Impacted immersion coating; d) Nuclear coating; e) Thermoplastic rubber coating and mastics.

10. ASTM Methods–Incorporation by Method–Please note that NPCA's suggested definition for Nuclear coatings includes two ASTM methods (D4082-89 and D 912-80) that should be included for the proposed rule. (NPCA)

Response: Indiana is moving forward with its AIM rulemaking. The addition of more stringent VOC content limits for traffic markings coatings and application standards is not overly burdensome on the practices of the Indiana Department of Transportation. Therefore, Indiana is seeking comment on a draft rule based on the OTC model rule and VOC content limits on an ozone season basis for traffic marking coatings.

In the draft rule language IDEM has included NPCA's requested changes to the definitions of VOC, conversion varnish, varnish, and specialty primer. IDEM has also added definitions for calcimine recoaters, concrete surface retarder, impacted immersion coating, nuclear coating, and thermoplastic rubber coating and mastics to provide definitions for categories that are identified in the VOC content limit table but that do not have definitions in the OTC model rule. IDEM has included the two requested ASTM methods (D4082-89 and D3912-80) as part of the definition for nuclear coatings.

NPCA suggested an implementation date of January 1, 2009. However, this rulemaking will not be completed by this date. Therefore IDEM is proposing an implementation date of January 1, 2010. This implementation date will provide adequate time for coatings manufacturers to meet rule requirements. Additionally, IDEM is including a three-year sell through provision in the draft rule language for products that were in compliance with the standards in effect at the time the coating was manufactured and that are properly labeled.

The reporting requirements in the draft rule language are consistent with the majority of the OTC states AIM rules. IDEM is not requiring annual reports for certain categories of coatings. However, the draft rule language does require that manufacturers of those coatings maintain records of sales and be able to report sales, when requested, to the department.

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Mailed comments should be addressed to:

#06-604(APCB) Architectural and Industrial Maintenance Coatings
Amy Smith Mail Code 61-50
c/o Administrative Assistant
Rules Development Section
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by November 14, 2008.

Additional information regarding this action may be obtained from Amy Smith, Rules Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. 326 IAC 8-14 IS ADDED TO READ AS FOLLOWS:

Rule 14. Architectural and Industrial Maintenance (AIM) Coatings

326 IAC 8-14-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 1. This rule applies to any person who supplies, sells, offers for sale, or manufactures any AIM coating for use within the state of Indiana, as well as any person who applies or solicits the application of

any AIM coating within the state of Indiana, except for the following:

(1) Any AIM coating that is sold or manufactured for:

(A) use outside of the state of Indiana; or

(B) shipment to other manufacturers for reformulation or repackaging.

(2) Any aerosol coating product.

(3) Any AIM coating that is sold in a container with a volume of one (1) liter (one and fifty-seven thousandths (1.057) quarts) or less.

(Air Pollution Control Board; 326 IAC 8-14-1)

326 IAC 8-14-2 Definitions

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 2. The following definitions apply throughout this rule:

(1) "Adhesive" means any chemical substance that is applied for the purpose of bonding two (2) surfaces together other than by mechanical means.

(2) "Aerosol coating product" means a pressurized coating product containing pigments or resins that:

(A) dispenses product ingredients by means of a propellant; and

(B) is packaged in a disposable can for hand-held application or for use in specialized equipment for ground traffic or ground marking applications.

(3) "AIM coating" means architectural coatings and industrial maintenance coatings.

(4) "Antenna coating" means a coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.

(5) "Antifouling coating" means a coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating must be registered with the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136)*.

(6) "Appurtenance" means any accessory to a stationary structure coated at the site of installation, whether installed or detached, including, but not limited to, any of the following:

(A) Bathroom and kitchen fixtures.

(B) Cabinets.

(C) Concrete forms.

(D) Doors.

(E) Elevators.

(F) Fences.

(G) Hand railings.

(H) Heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools.

(I) Lampposts.

(J) Partitions pipes and piping systems.

(K) Rain gutters and downspouts.

(L) Stairways.

(M) Fixed ladders.

(N) Catwalks and fire escapes.

(O) Window screens.

(7) "Architectural coating" means a coating to be applied to any of the following:

(A) Stationary structures or the appurtenances at the site of installation.

(B) Portable buildings at the site of installation.

(C) Pavements.

(D) Curbs.

The term does not include adhesives, coatings applied in shop applications, or coatings applied to nonstationary structures, such as airplanes, ships, boats, railcars, and automobiles.

(8) "Bitumens" means black or brown materials, including, but not limited to, asphalt, tar, pitch, or asphaltite, that:

(A) are soluble in carbon disulfide;
(B) consist mainly of hydrocarbons; and
(C) are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

(9) "Bituminous roof coating" means a coating that incorporates bitumens that is labeled and formulated exclusively for roofing.

(10) "Bituminous roof primer" means a primer that incorporates bitumens that is labeled and formulated exclusively for roofing.

(11) "Bond breaker" means a coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

(12) "Calcimine recoaters" means flat solvent borne coatings formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.

(13) "Clear brushing lacquers" means clear wood finishes, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, that are:
(A) intended exclusively for application by brush; and
(B) labeled as specified in section 4(5) of this rule.

(14) "Clear wood coatings" means clear and semitransparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.

(15) "Coating" means a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, the following:
(A) Paints.
(B) Varnishes.
(C) Sealers.
(D) Stains.

(16) "Colorant" means a concentrated pigment dispersion of water, solvent, or binder that is added to an architectural coating after packaging in sale units to produce the desired color.

(17) "Concrete curing compound" means a coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water.

(18) "Concrete surface retarder" means a mixture of retarding ingredients, such as:
(A) extender pigments;
(B) primary pigments;
(C) resin; and
(D) solvent;

that interact chemically with the cement to prevent hardening on the surface where the retarder is applied, allowing the retarded mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.

(19) "Conjugated oil varnish" means a clear or semitransparent wood coating, labeled as such, excluding lacquers or shellacs, based on a natural occurring conjugated vegetable oil (tung oil) and modified with other natural or synthetic resins, a minimum of fifty percent (50%) of the resin solids consisting of conjugated oil. Supplied as a single component product, conjugated oil varnishes penetrate and seal the wood. Film formation is due to polymerization of the oil. These varnishes may contain small amounts of pigment to control the final gloss or sheen.

(20) "Conversion varnish" means a clear acid-curing coating with an alkyd or other resin blended with amino resins and supplied as a single component or two (2) component product. Conversion varnishes produce a hard, durable, clear finish designed for professional application to wood flooring. Film formation is the result of an acid-catalyzed condensation reaction, affecting a transetherification at the reactive ethers of the amino resins.

(21) "Dry fog coating" means a coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

(22) "Exempt compound" means a compound identified as exempt under the definition of VOC. The exempt compounds content of a coating shall be determined in accordance with Method 24 of 40 CFR Part 60, Appendix A* or SCAQMD Method 303-91* "Determination of Exempt Compounds", approved June 1, 1991, and revised February 1993.

(23) "Faux finishing coating" means a coating labeled and formulated as a stain or a glaze to create artistic effects including, but not limited to, the following:
(A) Dirt.
(B) Old age.
(C) Smoke damage.
(D) Simulated marble.

(E) Simulated wood grain.

(24) "Fire-resistive coating" means an opaque coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials, that has been:

(A) fire tested and rated by a nationally recognized testing organization; and

(B) approved for use in bringing assemblies of structural materials into compliance with federal, state, and local building code requirements.

The fire-resistive coating shall be tested in accordance with ASTM E119-05a* "Standard Test Methods for Fire Tests of Building Construction and Materials", November 2005.

(25) "Fire-retardant coating" means a coating labeled and formulated to retard ignition and flame spread, that has been:

(A) fire tested and rated by a nationally recognized testing organization; and

(B) approved for use in bringing building and construction materials into compliance with federal, state, and local building code requirements.

The fire-retardant coating shall be tested in accordance with ASTM E84-05e1* "Standard Test Method for Surface Burning Characteristics of Building Materials", February 2005.

(26) "Flat coating" means a coating that:

(A) is not defined under any other definition in this rule; and

(B) registers gloss less than fifteen (15) on an eighty-five (85) degree meter or less than five (5) on a sixty (60) degree meter according to ASTM D523-89* "Standard Test Method for Specular Gloss", May 1999.

(27) "Floor coating" means an opaque coating that is labeled and formulated for application to flooring, including, but not limited to, the following:

(A) Decks.

(B) Porches.

(C) Steps.

(D) Other horizontal surfaces that may be subjected to foot traffic.

(28) "Flow coating" means a coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.

(29) "Form-release compound" means a coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

(30) "Graphic arts coating or sign paint" means a coating labeled and formulated for hand application by artists using brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals including the following:

(A) Letter enamels.

(B) Poster colors.

(C) Copy blockers.

(D) Bulletin enamels.

(31) "High-temperature coating" means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above two hundred four (204) degrees Celsius (four hundred (400) degrees Fahrenheit).

(32) "Impacted immersion coating" means a high performance maintenance coating formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water. These coatings are specifically resistant to high energy impact damage by floating ice or debris.

(33) "Industrial maintenance coating" means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, or topcoats, formulated for application to substrates exposed to one (1) or more of the following extreme environmental conditions and labeled as specified in section 4(4) of this rule:

(A) Immersion in water, wastewater, or chemical solutions (aqueous and nonaqueous solutions), or chronic exposures of interior surfaces to moisture condensation.

(B) Acute or chronic exposure to:

(i) corrosive, caustic, or acidic agents;

(ii) chemicals;

(iii) chemical fumes; or

(iv) chemical mixtures or solutions.

(C) Repeated exposure to temperatures above one hundred twenty-one (121) degrees Celsius (two hundred fifty (250) degrees Fahrenheit).

(D) Repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents.

(E) Exterior exposure of metal structures and structural components.

(34) "Lacquer" means a clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to:

(A) dry by evaporation without chemical reaction; and

(B) provide a solid, protective film.

(35) "Low-solids coating" means a coating containing twelve-hundredths (0.12) kilogram or less of solids per liter (one (1) pound or less of solids per gallon) of coating material.

(36) "Magnesite cement coating" means a coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

(37) "Manufacturer's maximum recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

(38) "Mastic texture coating" means a coating labeled and formulated to:

(A) cover holes and minor cracks; and

(B) conceal surface irregularities;

that is applied in a single coat of at least ten mils (0.010 inch) dry film thickness.

(39) "Metallic pigmented coating" means a coating containing at least forty-eight (48) grams of elemental metallic pigment per liter of coating as applied (four-tenths (0.4) pounds per gallon) when tested in accordance with SCAQMD Method 318-95* "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction", July 1996.

(40) "Multicolor coating" means a coating that:

(A) is packaged in a single container; and

(B) exhibits more than one (1) color when applied in a single coat.

(41) "Nonflat coating" means a coating that:

(A) is not defined under any other definition in this rule; and

(B) registers a gloss of fifteen (15) or greater on an eighty-five (85) degree meter and five (5) or greater on a sixty (60) degree meter according to ASTM D523-89* "Standard Test Method for Specular Gloss", May 1999.

(42) "Nonflat-high-gloss coating" means a nonflat coating that registers a gloss of seventy (70) or above on a sixty (60) degree meter according to ASTM D523-89* "Standard Test Method for Specular Gloss", May 1999.

(43) "Nonindustrial" use means any use of architectural coatings except in the construction or maintenance of any of the following:

(A) Facilities used in the manufacturing of goods and commodities.

(B) Transportation infrastructures, including the following:

(i) Highways.

(ii) Bridges.

(iii) Airports.

(iv) Railroads.

(C) Facilities used in mining activities, including petroleum extraction.

(D) Utilities infrastructures, including power generation and distribution and water treatment and distribution systems.

(44) "Nuclear coating" means a protective coating formulated and recommended to seal porous surfaces, such as steel (or concrete), that otherwise would be subject to intrusions by radioactive materials. These coatings must be resistant to long-term (service life) cumulative radiation exposure and be tested in accordance with ASTM Method D4082-89* "Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants", January 2002 readily easy to decontaminate, and resistant to various chemicals to which coatings are likely to be exposed and be tested in accordance with ASTM Method D3912-80 "Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants", approved January 2001.

(45) "Person" has the meaning set forth in IC 13-11-2-158(a).

(46) "Postconsumer coating" means a finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer. The term does not include manufacturing wastes.

(47) "Pretreatment wash primer" means a primer that:

(A) contains a minimum of five-tenths percent (0.5%) acid, by weight, when tested in accordance with ASTM D1613-03* "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products", October 2003; and

(B) is labeled and formulated for application directly to bare metal surfaces to:

(i) provide corrosion resistance; and

(ii) promote adhesion of subsequent topcoats.

(48) "Primer" means a coating labeled and formulated for application to a substrate to provide a firm bind between the substrate and subsequent coats.

(49) "Quick-dry enamel" means a nonflat coating that is labeled as specified in section 4(8) of this rule and that is formulated to have the following characteristics:

(A) Is capable of being applied directly from the container under normal conditions with ambient temperatures between sixteen (16) and twenty-seven (27) degrees Celsius (sixty (60) and eighty (80) degrees Fahrenheit).

(B) When tested in accordance with ASTM D1640-03* "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature", December 2003:

(i) sets to touch in two (2) hours or less;

(ii) is tack free in four (4) hours or less;

(iii) dries hard in eight (8) hours or less by the mechanical test method; and

(iv) has a dried film gloss of seventy (70) or above on a sixty (60) degree meter.

(50) "Quick-dry primer, sealer, and undercoater" means a primer, sealer, or undercoater that:

(A) is dry to the touch in thirty (30) minutes; and

(B) can be recoated in two (2) hours when tested in accordance with ASTM D1640-03* "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature", December 2003.

(51) "Recycled coating" means an architectural coating formulated such that not less than fifty percent (50%) of the total weight consists of secondary and postconsumer coating, with not less than ten percent (10%) of the total weight consisting of postconsumer coating.

(52) "Residence" means areas where people reside or lodge, including, but not limited to, the following:

(A) Single and multiple family dwellings.

(B) Condominiums.

(C) Mobile homes.

(D) Apartment complexes.

(E) Motels.

(F) Hotels.

(53) "Roof coating" means a nonbituminous coating labeled and formulated exclusively for application to roofs for the primary purpose of preventing penetration of the substrate by water or reflecting heat and ultraviolet radiation. The term does not include metallic pigmented roof coatings that qualify as metallic pigmented coatings. These roof coatings shall be considered to be in the metallic pigmented coatings category.

(54) "Rust preventive coating" means a coating:

(A) formulated:

(i) exclusively for nonindustrial use; and

(ii) to prevent the corrosion of metal surfaces; and

(B) labeled as specified in section 4(6) of this rule.

(55) "Sanding sealer" means a clear or semitransparent wood coating labeled and formulated for application to bare wood to:

(A) seal the wood; and

(B) provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings.

The term does not include a sanding sealer that also meets the definition of a lacquer, but it is included in the lacquer category.

(56) "SCAQMD" means the South Coast Air Quality Management District in California.

(57) "Sealer" means a coating labeled and formulated for application to a substrate to prevent:

(A) subsequent coatings from being absorbed by the substrate; or

(B) harm to subsequent coatings by materials in the substrate.

(58) "Secondary coating (rework)" means a fragment of a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value. The term does not include excess virgin resources of the manufacturing process.

(59) "Shellac" means a clear or opaque coating:

(A) formulated solely with the resinous secretions of the lac beetle (Laciffer lacca);

(B) thinned with alcohol; and

(C) formulated to dry by evaporation without a chemical reaction.

(60) "Shop application" means an application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a:

(A) manufacturing;

(B) production; or

(C) repairing;

process.

(61) "Solicit" means to require for use or to specify, by written or oral contract.
(62) "Specialty primer, sealer, and undercoater" means a coating:
(A) labeled as required in section 4(7) of this rule; and
(B) formulated for application to:
(i) a substrate to seal fire, smoke, or water damage;
(ii) condition excessively chalky surfaces;
(iii) seal in efflorescence; or
(iv) block stains.
An excessively chalky surface is one that is defined as having a chalk rating of four (4) or less as determined by ASTM D4214-98* "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films", August 1998.
(63) "Stain" means a clear, semitransparent, or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.
(64) "Stone consolidant" means a coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone consolidants must:
(A) penetrate into stone substrates to create bonds between particles and consolidate deteriorated material; and
(B) be specified and used in accordance with ASTM E2167-01* "Standard Guide for Selection and Use of Stone Consolidants".
(65) "Swimming pool coating" means a coating labeled and formulated to:
(A) coat the interior of swimming pools; and
(B) resist swimming pool chemicals.
(66) "Swimming pool repair and maintenance coating" means a rubber-based coating labeled and formulated to be used over existing rubber-based coatings for the repair and maintenance of swimming pools.
(67) "Temperature-indicator safety coating" means a coating labeled and formulated as a color-changing indicator coating for:
(A) the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment; and
(B) application to substrates exposed continuously or intermittently to temperatures above two hundred four (204) degrees Celsius (four hundred (400) degrees Fahrenheit).
(68) "Thermoplastic rubber coating and mastics" means a coating or mastic:
(A) formulated and recommended for application to roofing or other structural surfaces; and
(B) that incorporates not less than forty percent (40%) by weight of thermoplastic rubbers in the total resin solids and may also contain other ingredients including, but not limited to:
(i) fillers;
(ii) pigments; and
(iii) modifying resins.
(69) "Tint base" means an architectural coating to which colorant is added after packaging in sale units to produce a desired color.
(70) "Traffic marking coating" means a coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces, including, but not limited to, the following:
(A) Curbs.
(B) Berms.
(C) Driveways.
(D) Parking lots.
(E) Sidewalks.
(F) Airport runways.
(71) "Undercoater" means a coating labeled and formulated to provide a smooth surface for subsequent coatings.
(72) "U.S. EPA" means United States Environmental Protection Agency.
(73) "Varnish" means a clear or semitransparent wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction. Varnishes may contain small amounts of pigment to:
(A) color a surface; or
(B) control the final sheen or gloss of the finish.
(74) "Volatile organic compound" or "VOC" means a compound as defined in 326 IAC 1-2-90.
(75) "Waterproofing concrete or masonry sealer" means a clear or pigmented film forming coating that is labeled and formulated for sealing concrete and masonry to provide resistance against the following:
(A) Water.

(B) Alkalis.
(C) Acids.
(D) Ultraviolet light.
(E) Staining.

(76) "Waterproofing sealer" means a coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.

(77) "Wood preservative" means a coating:
(A) labeled and formulated to protect exposed wood from decay or insect attack; and
(B) that is registered with the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136)*.

*** These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

(Air Pollution Control Board; 326 IAC 8-14-2)

326 IAC 8-14-3 Standards for AIM coatings

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 3. (a) Except as provided in subsections (c) and (d), on or after January 1, 2010, no person shall:
(1) manufacture, blend, or repackage for sale within the state of Indiana;
(2) supply, sell, or offer for sale within the state of Indiana; or
(3) solicit for application or apply within the state of Indiana;
any AIM coating with a VOC content in excess of the corresponding limit specified in subsection (b).

(b) Compliance with the VOC content limits shall not exceed the following limits:

Coating Category	VOC Limit (grams/liter)	VOC Limit (pounds/gallon)
Flat coatings	100	0.83
Nonflat coatings	150	1.25
Nonflat-high-gloss coatings	250	2.08
Specialty coatings:		
Antenna coatings	530	4.42
Antifouling coatings	400	3.33
Bituminous roof coatings	300	2.50
Bituminous roof primers	350	2.92
Bond breakers	350	2.92
Calcimine recoaters	475	3.96
Clear wood coatings:		
Clear brushing lacquers	680	5.67
Lacquers, including clear lacquer sanding sealers	550	4.59
Sanding sealers, excluding clear lacquers	350	2.92
Varnishes other than conversion varnishes	350	2.92
Conjugated oil varnish	450	3.75
Conversion varnish	725	6.04
Concrete curing compounds	350	2.92
Concrete surface retarders	780	6.50
Dry fog coatings	400	3.33
Faux finishing coatings	350	2.92
Fire-resistive coatings	350	2.92
Fire-retardant coatings (clear)	650	5.42

Fire-retardant coatings (opaque)	**350**	**2.92**
Floor coatings	**250**	**2.08**
Flow coatings	**420**	**3.50**
Form-release compounds	**250**	**2.08**
Graphic arts coatings (sign paints)	**500**	**4.17**
High temperature coatings	**420**	**3.50**
Impacted immersion coatings	**780**	**6.50**
Industrial maintenance coatings	**340**	**2.83**
Low-solids coatings	**120**	**1.00**
Magnesite cement coatings	**450**	**3.75**
Mastic texture coatings	**300**	**2.50**
Metallic pigmented coatings	**500**	**4.17**
Multicolor coatings	**250**	**2.08**
Nuclear coatings	**450**	**3.75**
Pretreatment wash primers	**420**	**3.50**
Primers, sealers, and undercoaters	**200**	**1.67**
Quick-dry enamels	**250**	**2.08**
Quick-dry primers, sealers, and undercoaters	**200**	**1.67**
Recycled coatings	**250**	**2.08**
Roof coatings	**250**	**2.08**
Rust preventive coatings	**400**	**3.33**
Shellacs (clear)	**730**	**6.09**
Shellacs (opaque)	**550**	**4.59**
Specialty primers, sealers, and undercoaters	**350**	**2.92**
Stains	**250**	**2.08**
Stone consolidants	**450**	
Swimming pool coatings	**340**	**2.83**
Swimming pool repair and maintenance coatings	**340**	**2.83**
Temperature-indicator safety coatings	**550**	**4.59**
Thermoplastic rubber coatings and mastics	**550**	**4.59**
Traffic marking coatings (ozone season-April 1 to October 31)	**91**	**0.76**
Traffic marking coatings (nonozone season- November 1 to March 31)	**150**	**1.25**
Waterproofing sealers	**250**	**2.08**
Waterproofing concrete or masonry sealers	**400**	**3.33**
Wood preservatives	**350**	**2.92**

Conversion factor: one pound VOC per gallon (U.S.) = 119.95 grams per liter.

(c) If anywhere on the container of an AIM coating, or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf, any representation is made that indicates that the coating meets the definition or is recommended for use for more than one (1) of the categories listed in subsection (b), then the category with the most restrictive VOC content limit shall apply. This provision does not apply to the coating categories specified as follows:

(1) Lacquer coatings (including lacquer sending sealers).
(2) Metallic pigmented coatings.
(3) Shellacs.
(4) Fire-retardant coatings.
(5) Pretreatment wash primers.
(6) Industrial maintenance coatings.
(7) Low-solids coatings.
(8) Wood preservatives.
(9) High temperature coatings.
(10) Temperature-indicator safety coatings.
(11) Antenna coatings.
(12) Antifouling coatings.
(13) Flow coatings.

(14) Bituminous roof primers.
(15) Specialty primers, sealers, and undercoaters.
(16) Thermoplastic rubber coatings and mastics.
(17) Calcamine recoaters.
(18) Impacted immersion coatings.
(19) Nuclear coatings.

(d) The following sell through provisions apply to AIM coatings:
(1) A coating manufactured prior to January 1, 2010, may be sold, supplied, or offered for sale until December 31, 2013.
(2) A coating manufactured before January 1, 2010, may be applied at any time both before and after January 1, 2010, so long as the coating complied with the standards in effect at the time the coating was manufactured.
(3) The provisions in subdivisions (1) and (2) do not apply to any coating that does not display the date or date code required by section 4(1) of this rule.

(e) The following work practices are required:
(1) All AIM coatings containers used to apply the contents therein to a surface directly from the container by:
(A) pouring;
(B) siphoning;
(C) brushing;
(D) rolling;
(E) padding;
(F) ragging; or
(G) other means;
shall be closed when not in use.
(2) Containers of any VOC-containing materials used for thinning and cleanup shall be closed when not in use.

(f) No person who applies or solicits the application of any AIM coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in subsection (b).

(g) No person shall apply or solicit the application of any rust preventative coating for industrial use, unless the rust preventative coating complies with the industrial maintenance coating VOC content limit specified in subsection (b). No person shall sell or offer for sale any rust preventative coating for application to any nonmetallic substrate, nor shall any person apply a rust preventative coating to any nonmetallic substrate.

(h) If a coating does not meet any of the definitions for the specialty coatings categories listed in subsection (b), the VOC content limit shall be determined by classifying the coating as a flat coating, nonflat coating, or nonflat-high-gloss coating as defined in section 2 of this rule. The corresponding flat or nonflat coating VOC content limit shall apply.

(Air Pollution Control Board; 326 IAC 8-14-3)

326 IAC 8-14-4 Container labeling

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 4. On and after January 1, 2010, each manufacturer of any AIM coating subject to this rule shall prominently display the following information on the coating container (or label) in which the coating is sold or distributed:
(1) A date code, as follows:
(A) The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container.
(B) If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation

of each code with the department.

(2) Thinning recommendations, as follows:

(A) A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container.

(B) This requirement does not apply to the thinning of architectural coatings with water.

(C) If thinning of a coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.

(3) VOC content, as follows:

(A) Each container of any coating subject to this rule shall display either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning recommended by the manufacturer.

(B) VOC content shall be displayed in grams of VOC per liter of coating.

(C) VOC content displayed shall be:

(i) calculated using product formulation data; or

(ii) determined using the test methods in section 6(b) of this rule.

The equations in section 6(a) of this rule shall be used to calculate VOC content.

(4) The label or the lid of the container in which the coating is sold or distributed shall display one (1) or more of the following industrial maintenance coatings descriptions:

(A) "For industrial use only".

(B) "For professional use only".

(C) "Not for residential use".

(D) "Not intended for residential use".

(5) The labels of all clear brushing lacquers shall prominently display the following statements:

(A) "For brush application only".

(B) "This product must not be thinned or sprayed".

(6) The labels of all rust preventive coatings shall prominently display the statement "For metal substrates only".

(7) The labels of all specialty primers, sealers, and undercoaters shall prominently display one (1) or more of the following descriptions:

(A) "For blocking stains".

(B) "For fire-damaged substrates".

(C) "For smoke-damaged substrates".

(D) "For water-damaged substrates".

(E) "For excessively chalky substrates".

(F) "To seal in efflorescence".

(8) The labels of all quick dry enamels shall prominently display the words "Quick Dry" and the dry hard time.

(9) The labels of all nonflat-high-gloss coatings shall prominently display the words "High Gloss".

(10) The labels of all stone consolidants shall prominently display the statement "Stone Consolidant–For Professional Use Only".

(Air Pollution Control Board; 326 IAC 8-14-4)

326 IAC 8-14-5 Recordkeeping and reporting requirements

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 5. (a) Each manufacturer of a product subject to a VOC content limit in section 3(b) of this rule shall keep records demonstrating compliance with the VOC content limits. The records shall clearly list each product by all of the following:

(1) Name.

(2) Identifying number (if applicable).

(3) VOC content as determined by section 6 of this rule.

(4) Name or names and chemical abstract service (CAS) number of the VOC constituents in the product.

(5) Dates of the VOC content determinations.

(6) Coating category and applicable VOC content limit.

(b) The records required by subsection (a) shall be:
(1) kept for a period not less than five (5) years; and
(2) made available to the department for inspection within ninety (90) days of request.

(c) Each manufacturer shall, upon request of the department, provide data concerning the distribution and sales of coatings subject to a VOC content limit in section 3(b) of this rule. The manufacturer shall within ninety (90) days provide the following information:
(1) The name and mailing address of the manufacturer.
(2) The name, address, and telephone number of a contact person.
(3) The name of the product as it appears on the label and the coating category under which it is regulated, as listed in section 3(b) of this rule.
(4) Whether the coating is marketed for interior use or exterior use, or both.
(5) The number of gallons sold in the state of Indiana in containers greater than one (1) liter.
(6) The actual VOC content and VOC content in grams per liter. If thinning is recommended, list the actual VOC content and VOC content limit after recommended thinning.
(7) The names and CAS number of the VOC constituents in the product.

(d) For each AIM coating that contains perchloroethylene or methylene chloride, the manufacturer shall, on or before May 1 of each calendar year beginning with the year 2011, report to the department the following information for the product sold in the state during the preceding calendar year:
(1) The product's brand name and a copy of the product label with the legible usage instructions.
(2) The coating category, listed in section 3(b) of this rule, to which the coating belongs.
(3) The total sales during the calendar year to the nearest gallon.
(4) The volume percent, to the nearest one-tenth of one percent (0.10%), of perchloroethylene and methylene chloride in the coating.

(e) Manufacturers of recycled coatings must submit a letter to the department certifying their status as a recycled paint manufacturer. The manufacturer shall, on or before May 1 of each calendar year beginning with the year 2011, submit an annual report for the previous calendar year to the department. The report shall include for all recycled coatings the following information:
(1) The total number of gallons distributed in Indiana during the preceding year.
(2) A description of the method used by the manufacturer to calculate state distribution.

(f) Manufacturers of bituminous roof coatings or bituminous roof primers shall, on or before May 1 of each calendar year beginning with the year 2011, submit an annual report for the previous calendar year to the department. The report shall include the following information:
(1) The total number of gallons of bituminous roof coatings or bituminous roof primers sold in Indiana during the preceding year.
(2) A description of the method used by the manufacturer to calculate state sate sales.

(Air Pollution Control Board; 326 IAC 8-14-5)

326 IAC 8-14-6 Compliance provisions and test methods

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 6. (a) For the purpose of determining compliance with the VOC content limits in section 3(b) of this rule, the VOC content of a coating shall be determined using the procedures described in subdivision (1) or (2), as appropriate. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured. VOC content shall be determined as follows:
(1) With the exception of low-solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water and exempt compounds, using the following equation:

$$\text{VOC Content} = \frac{(W_s - W_w - W_{ec})}{(V_m - V_w - V_{ec})}$$

Where:	**VOC Content**	**=**	**grams of VOC per liter of coating**
	W_s	=	**weight of volatiles, in grams**
	W_w	=	**weight of water, in grams**
	W_{ec}	=	**weight of exempt compounds, in grams**
	V_m	=	**volume of coating, in liters**
	V_w	=	**volume of water, in liters**
	V_{ec}	=	**volume of exempt compounds, in liters**

(2) For low solid coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds, using the following equation:

$$\text{VOC Content}_{ls} = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$

Where:	VOC Content_{ls}	**=**	**the VOC content of a low-solids coating in grams per liter of coating**
	W_s	=	**weight of volatiles, in grams**
	W_w	=	**weight of water, in grams**
	W_{ec}	=	**weight of exempt compounds, in grams**
	V_m	=	**volume of coating, in liters**

(b) To determine the physical properties of a coating in order to perform the calculations in subsection (a), the reference method for VOC content is Method 24 of 40 CFR Part 60, Appendix A*, except as provided in subsections (c) and (d). An alternative method to determine the VOC content of coatings is SCAQMD Method 304-91* "Determination of Volatile Organic Compounds in Various Materials", February 1996. The exempt compounds content shall be determined by SCAQMD Method 303-91* "Determination of Exempt Compounds", February 1993. To determine the VOC content of a coating, the manufacturer may use Method 24 of 40 CFR Part 60, Appendix A*, or an alternative method, as provided in subsection (c), formulation data, or any other reasonable means for predicting that the coating has been formulated as intended, for example, quality assurance checks, recordkeeping. However, if there are any inconsistencies between the results of a test conducted utilizing Method 24 of 40 CFR Part 60, Appendix A* and any other means for determining VOC content, the results of the test utilizing Method 24 of 40 CFR Part 60, Appendix A* will govern, except when an alternative method is approved as specified in subsection (c). The department may require the manufacturer to conduct an analysis using Method 24 of 40 CFR Part 60, Appendix A*.

(c) The use of alternative test methods demonstrated to provide results that are acceptable for purposes of determining compliance with subsection (b) after review and approval in writing by the department and the U.S. EPA may be used.

(d) Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of Method 24* of 40 CFR 59 Part 60, Appendix A*. This method has not been approved for methacrylate multicomponent coatings used for purposes other than as traffic marking coatings or for other classes of multicomponent coatings.

***These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

(Air Pollution Control Board; 326 IAC 8-14-6)

326 IAC 8-14-7 Application of traffic marking materials

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 7. (a) After January 1, 2011, during the ozone season (April 1 to October 31), no person may cause, allow, or permit the application of traffic marking material that exceeds the following limits:

(1) For traffic marking material that is a liquid at the time of application, the VOC content limits listed in section 3(b) of this rule.

(2) For field-reacted traffic marking material, or for traffic marking material that is not measurable as a liquid at the time of application, a VOC emission rate of three and six-tenths (3.6) kilograms per stripe–kilometer or twelve and two-tenths (12.2) pounds per stripe–mile.

(b) Any person subject to this section who applies traffic marking material shall maintain the following records:

(1) Types and amounts of traffic marking materials purchased annually.

(2) The VOC content or emission rate of each type of traffic marking material applied in any of the following:

(A) Grams per liter.

(B) Pounds per gallon.

(C) Kilograms per stripe–kilometer.

(D) Pounds per stripe–mile.

(3) Monthly quantities of each type of traffic marking material applied.

(c) The records required in subsection (b) shall be:

(1) kept for a period of three (3) years after the traffic marking material is applied; and

(2) made available to the department for inspection within ninety (90) days of the request.

(Air Pollution Control Board; 326 IAC 8-14-7)

Notice of Public Hearing

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